



Rep. John E. Bradley

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09600HB3869ham001

LRB096 09270 RLC 35826 a

1 AMENDMENT TO HOUSE BILL 3869

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3869 on page 1, by  
3 inserting immediately below line 3 the following:

4 "Section 2. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic  
8 who is charged with or convicted of a crime or any other person  
9 charged with or convicted of a Class C misdemeanor violation of  
10 the Use of Intoxicating Compounds Act may elect treatment under  
11 the supervision of a licensed program designated by the  
12 Department, referred to in this Article as "designated  
13 program", unless:

14 (1) the crime is a crime of violence;

15 (2) the crime is a violation of Section 401(a), 401(b),  
16 401(c) where the person electing treatment has been

1 previously convicted of a non-probationable felony or the  
2 violation is non-probationable, 401(d) where the violation  
3 is non-probationable, 401.1, 402(a), 405 or 407 of the  
4 Illinois Controlled Substances Act, or Section 4(d), 4(e),  
5 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the  
6 Cannabis Control Act or Section 15, 20, 55, 60, or 65 of  
7 the Methamphetamine Control and Community Protection Act;

8 (3) the person has a record of 2 or more convictions of  
9 a crime of violence;

10 (4) other criminal proceedings alleging commission of  
11 a felony are pending against the person;

12 (5) the person is on probation or parole and the  
13 appropriate parole or probation authority does not consent  
14 to that election;

15 (6) the person elected and was admitted to a designated  
16 program on 2 prior occasions within any consecutive 2-year  
17 period;

18 (7) the person has been convicted of residential  
19 burglary and has a record of one or more felony  
20 convictions;

21 (8) the crime is a violation of Section 11-501 of the  
22 Illinois Vehicle Code or a similar provision of a local  
23 ordinance; or

24 (9) the crime is a reckless homicide or a reckless  
25 homicide of an unborn child, as defined in Section 9-3 or  
26 9-3.2 of the Criminal Code of 1961, in which the cause of

1 death consists of the driving of a motor vehicle by a  
2 person under the influence of alcohol or any other drug or  
3 drugs at the time of the violation.  
4 (Source: P.A. 94-556, eff. 9-11-05.)"